

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.224 OF 2016

IN

WRIT PETITION NO.4364 OF 2015 [D]

[Ku. Trupti d/o Sitaramji Dudhe .vs. Shri Sunil Patil, The Chief Executive Officer, Zilla Parishad,  
Amravati]

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri P.D. Meghe, counsel for the petitioner,  
Shri M.G. Rath, counsel for the respondent.  
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CORAM : SMT. VASANTI A NAIK AND  
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 19, 2016.

By this contempt petition, the petitioner seeks action against the respondent for willful disobedience of the directions in the judgment, dated 28.3.2016 in Writ Petition No.4364/2015.

It is stated on behalf of the petitioner that the respondent has willfully disobeyed the directions of this court in Writ Petition No.4364/2015 to consider the request for mutual transfer, as per the communication of the State Government, dated 31.7.2014, while effecting the regular transfer in the month of April/May-2016. It is stated that though the State Government had, by the communication dated 31.7.2014, directed the Zilla Parishad to consider whether the two employees seeking the mutual transfer, that is, the petitioner and Shri Gangrale, had the knowledge of Korku language, this aspect has not been considered by the respondent while taking a decision on the request made by the petitioner for mutual transfer. It is stated that since Shri Gangrale is conversant with Korku language, he could be transferred to Amravati. It is stated that the respondent has willfully disobeyed the directions issued by this court.

Shri Rath, the learned counsel for the respondent, states that the representation of the petitioner for seeking the mutual transfer was duly considered in the light of the communication of the State

Government, dated 31.7.2014. It is stated that the petitioner is seeking her transfer to Yavatmal where Shri Gangrale is located and Shri Gangrale is seeking his transfer from Yavatmal to Amravati where the petitioner is presently located. It is stated that a teacher for teaching Korku language is not required in Yavatmal, whereas a teacher for teaching the said language is required in Amravati where the petitioner is posted. It is stated that the petitioner was appointed mainly for teaching Korku language in Dharni where it was necessary to impart the education in Korku language and this requirement is not there in Yavatmal district where the petitioner is seeking her transfer. It is stated that since the appointment of the petitioner was mainly for teaching Korku language in Dharni and since the petitioner is seeking her transfer to Yavatmal where imparting of Korku language is not necessary, the respondent took a conscious decision of not accepting the request for mutual transfer. It is stated that, in the circumstances of the case, it cannot be said that there is willful disobedience of the directions issued by this court in Writ Petition No.4364/2015.

On hearing the learned counsel for the parties and on a perusal of the communication of the State Government, as also the order of which the contempt is alleged, it cannot be said that the respondent has deliberately flouted the order of this court. In the circumstances of the case, it cannot be said that the respondent has disobeyed the order of this court by rejecting the request for mutual transfer, by ignoring the government communication, dated 31.7.2014.

In view of the aforesaid, we dispose of the contempt petition, with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

“I certify that this order uploaded is a true and correct copy of original signed order.”

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